

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Martin,)
Plaintiff,)
v.)
La Crosse Area Harley-Davidson, Inc.,)
n/k/a La Crosse Winona MC, Inc.,)
a Wisconsin corporation)
d/b/a Harley-Davidson Shop of Winona;)
Waukon Yamaha, Inc., an Iowa)
Corporation, d/b/a Waukon Harley-Davidson,)
d/b/a Polaris Motorsports, d/b/a La Crosse)
Area Harley-Davidson, d/b/a Harley-)
Davidson Shop of Winona,)
Defendants.)

)
)

COMPLAINT

Plaintiff, as and for his Complaint, states and alleges as follows:

THE PARTIES

1. The Plaintiff James Martin resides at 7830 Lois Lane, Lino Lakes, Minnesota 55014.
2. Upon information and belief, Defendant La Crosse Area Harley-Davidson, Inc., n/k/a La Crosse Winona MC, Inc., a Wisconsin corporation, d/b/a Harley-Davidson Shop of Winona (hereinafter "Harley of La Crosse/Winona"), was a corporation duly organized pursuant to the laws of the State of Wisconsin with its principal place of business being located at 1116 Oak Forest Drive, Onalaska, Wisconsin 54650-3480.
3. Upon information and belief, Defendant Waukon Yamaha, Inc., an Iowa Corporation, d/b/a Waukon Harley-Davidson, d/b/a Polaris Motorsports, d/b/a La Crosse Area Harley Davidson, d/b/a Harley Davidson Shop of Winona, (hereinafter "Iowa Harley"), was a corporation duly organized pursuant to the laws of the State of Iowa with

its principal place of business being located at 208 Highway 9 Southwest, P.O. Box 497, Waukon, Iowa 52172.

4. Upon information and belief, and at all times material herein, the Defendants held themselves out to be experienced and capable of providing mechanical and maintenance services with respect to Harley-Davidson motorcycles, among other motorized vehicles. In particular, the Defendants represented to the public that reasonable and necessary routine maintenance and/or repairs of Harley-Davidson motorcycles was provided by its/their Winona location consistent with reasonable practices and the directives of the manufacturer of Harley-Davidson motorcycles.

JURISDICTION

5. Plaintiff repeats and realleges each and every allegation above with the same force and effect as though fully set forth herein.

6. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

7. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because Plaintiff has, at all times material herein, been a resident of the State of Minnesota and because the events giving rise to Plaintiff's claims occurred within Winona County, Minnesota, leading to an injury-producing crash in Aitkin County, Minnesota, all within the territorial limits of the United States District Court for the District of Minnesota.

FACTS AND THE ALLEGATION OF NEGLIGENCE

8. Prior to July 9, 2016, the Plaintiff regularly took his Harley-Davidson motorcycles and, in particular, his 2007 Harley-Davidson FLHX motorcycle, serial

number 1HD1KB4107Y720230, to the Winona shop operation of the Defendants for routine service and maintenance work.

9. On or about October 8, 2015, Plaintiff took his 2007 Harley FLHX motorcycle to the Harley-Davidson Shop of Winona located at 1845 Mobile Drive, Winona, Minnesota, for the purpose of having Harley-Davidson Shop of Winona conduct a 55,000 mile service to Plaintiff's 2007 Harley FLHX motorcycle. Plaintiff routinely and consistently had the recommended service, inspection and maintenance performed on his motorcycles, including through the Defendants and its locations.

10. The Defendants shop in Winona, Minnesota did in fact, have the opportunity to conduct an inspection and to perform various services to Plaintiff's 2007 Harley FLHX motorcycle on or about October 8, 2015. Defendants did not, however, replace the bolts in the rear sprocket, indicating a failure of inspection and/or maintenance in violation of industry and manufacturer specifications and guidance.

11. On July 9, 2016, Plaintiff was driving his 2007 Harley FLHX motorcycle. Plaintiff was traveling on Minnesota Trunk Highway 18 in Wagner Township, County of Aitkin, State of Minnesota, when the bolts on the rear sprocket broke, causing the rear tire to wobble. Plaintiff could not control the motorcycle, and it went into a ditch. Plaintiff was thrown from the motorcycle and suffered serious, debilitating, and permanent injuries.

12. The Defendants, their agents, employees, and representatives, had a duty to perform any necessary inspection and maintenance on Plaintiff's 2007 Harley FLHX motorcycle in a good and workmanlike manner and in accordance with industry and manufacturer standards and guidance.

13. Defendants were negligent, failed to use reasonable care, and breached their duties to Plaintiff when they failed to inspect, and/or to properly inspect and/or to perform maintenance to Plaintiff's 2007 Harley FLHX motorcycle in such a manner so as to prevent harm to users of the motorcycle.

14. That as a direct result of Defendants' negligence, Plaintiff James Martin suffered severe, debilitating and permanent injuries and has in the past and will in the future suffer damages in the form of past and future medical expenses, past and future loss of earnings and earning capacity, and past and future pain, suffering, disability, embarrassment and emotional distress for which the Defendants are responsible and which, combined, total amount in excess of Seventy Five Thousand Dollars (\$75,000).

15. Plaintiff hereby demands a trial by jury in this case.

WHEREFORE, Plaintiff prays for judgment against the Defendants for a reasonable amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with his costs, disbursements, interest, and for such further relief as the Court deems just and equitable.

HARPER & PETERSON, P.L.L.C.

Dated: 7/6/2022

By: /s/ Paul D. Peterson
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